

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, September 10, 2013
J.P. Courtroom, County Service Center
126 W. 5th Street
Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant may have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA3-13-04 (Quail Ridge): The Applicant proposes to add 52 RV spaces to an existing 176 space RV and Manufactured Home Park, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1203.02.B (Minimum Setbacks); 1812.05 (Site coverage); 1812.10 (Curbs, gutters, and sidewalks); 1812.06 (Screening); 1812.12 (Landscaping); 1812.15 (Percentage of RV spaces in a Manufactured Home Park); and 1804.07.C.1 (Substitution of gravel for DBST).

The subject parcels, 106-06-023B, 106-06-014C, and 106-06-014D, are located at 2207 N. Yucca Drive, in Huachuca City.

Applicant: Mr. Gary Miller

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report

Call to the Public

ADJOURNMENT



COCHISE COUNTY **COMMUNITY DEVELOPMENT**

"Public Programs...Personal Service"

TO: Board of Adjustment, District 3

FROM: Peter Gardner, Planner I

For: Beverly Wilson, Deputy Director Planning Division

SUBJECT: Draft Minutes of the Regular Meeting of July 9, 2013

DATE: August 29, 2013

Members Present:

Paul Brick, Chairman
Helen Barnard, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

John L. Permenter - Applicant

These minutes for the BA3 meeting held on July 9, 2013 are complete only when accompanied by the memoranda for said meeting dated July 9, 2013.

Call to Order / Roll Call:

Chairman Paul Brick called the meeting to order at 6:32 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all members of the Board were present and that as such, a quorum was established and business could proceed.

Ms. Barnard made a motion to approve the minutes of the January 8, 2013 regular meeting. Chairman Brick seconded the motion, and the vote was 2-0 to approve the minutes of the January 8, 2013 meeting.

NEW BUSINESS

Docket BA3-13-02 (Cattle Rest): The Applicant proposes to add an RV park to an existing bar and requests Variances from the following Sections of the Cochise County Zoning Regulations:

1804.07 (replace paving in driveway and parking areas with gravel); 1812.06 (screening requirement); 1812.08/1804.05 (required number of parking spaces); and 1812.10 (curbs, gutters, and sidewalks).

The subject parcel, 203-12-007, is located at 933 S. Haskell Ave., Willcox, AZ.

Chairman Brick called for the Planning Director's presentation of the Docket.

Mr. Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variances. Mr. Gardner did request clarification of one item from the Applicant. He concluded by offering factors in favor and against approval.

Chairman Brick invited questions for Staff. Ms. Barnard asked about the location of the project in regards to the historic structures and corrals on the site. Mr. Permenter explained the location and his preservation efforts in relation to the historic structures. Ms. Barnard also asked about the gravel surfacing and how it would respond to the weather. Mr. Permenter explained how the surface would be built and how it would hold up. Ms. Barnard also asked if a windbreak would be constructed. Mr. Permenter explained the fencing that would be constructed. Chairman Brick asked about the history of the Applicant's ownership of the parcel. Mr. Permenter explained that he hoped the RV Park would increase business at the bar as well as promoting Willcox for tourism.

Chairman Brick declared the Public Hearing open, but there being no one wishing to speak, he closed the Public Hearing and called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant this application for the Variances citing the factors in favor. Chairman Brick seconded the motion and called for a vote. There was no further discussion.

The vote was 2-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report, informing the Board that there was one Variance Docket for the next month. The proposed Zoning Regulations changes were discussed as well. Mr. Gardner closed by discussing matters related to the Babocomari.

Ms. Barnard made a motion to adjourn. Chairman Brick seconded, and the meeting was adjourned at 6:53 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I *PG*
FOR: Beverly Wilson, Deputy Director, Planning Division *BW*
SUBJECT: Docket BA3-13-04 (Quail Ridge)
DATE: August 27, 2013 for the September 10, 2013 Meeting

APPLICATION FOR VARIANCES

Docket BA3-13-04 (Quail Ridge): The Applicant proposes to add 52 Recreational Vehicle (RV) spaces to an existing 176-space RV and Manufactured Home Park, and requests Variances from the following Sections of the Cochise County Zoning Regulations; 1203.02.B (Minimum Setbacks); 1812.05 (Site coverage); 1812.10 (Curbs, gutters, and sidewalks); 1812.06 (Screening); 1812.12 (Landscaping); 1812.15 (Percentage of RV spaces in a Manufactured Home Park); and 1804.07.C.1 (Substitution of gravel for DBST). The subject parcels, 106-06-023B, 106-06-014C, and 106-06-014D, are located at 2207 N. Yucca Drive, in Huachuca City, AZ. The Applicant is Gary Miller.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 36.98-acres
Zoning: GB (General Business) and MH-36 (Multiple Household Residential)
Growth Area: Category B (Community Growth Area)
Plan Designation: Developing
Area Plan: None
Existing Uses: RV/Manufactured Home Park
Proposed Uses: Same, but with 52 additional RV spaces

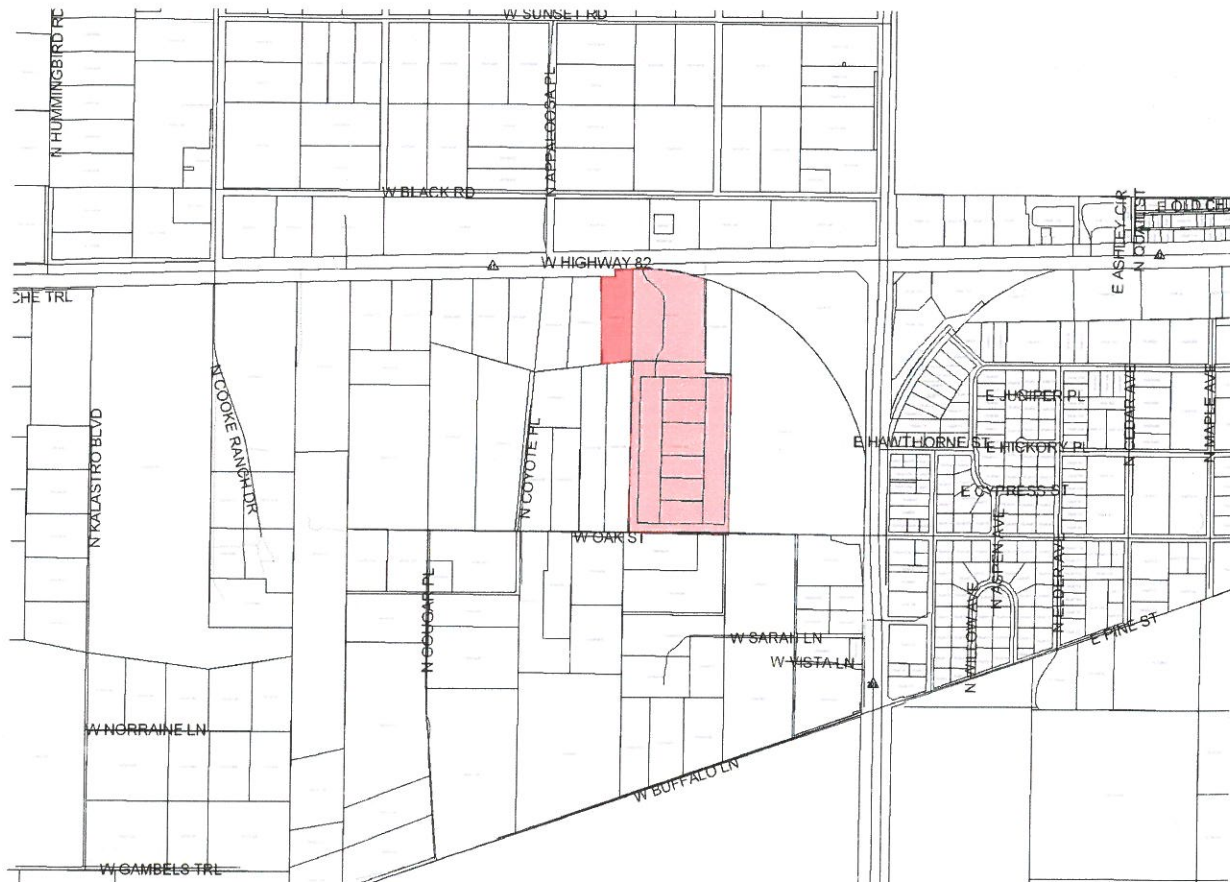
Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	State Highway/RU-4	W Highway 82/Electric Substation/ Vacant Land
South	County Maintained Road/GB	W Oak Street/Service Garage/Single Family Residential
East	GB/MH-54/RU-4	Single Family Residential/Vacant Land
West	GB/RU-4	Single Family Residential

II. SITE HISTORY

- In 1984, the subject parcels were rezoned per Docket Z-84-28 from RU-4 to MH-54 for parcel 106-06-14C and to GB for 106-06-014D.

- In 1985, a 194-space RV park was established via permit #7175 on parcel 106-06-014C.
- Per Assessor's records in 1987, a 71-space RV park was established on parcel 106-06-014D; however, there are no permits on file to establish this park. Based upon the age of the park and its contiguous nature with the park located at 106-06-014C, staff has determined that no additional permitting will be required to legitimize this portion of the park.
- In 1998, parcel 106-06-014C was conditionally rezoned from MH-54 to MH-36 per Z-98-02 and MDP-98-02.
- In 2002, a Variance (BA3-02-01) was granted to waive screening requirements on the North and South sides of the park and to allow sidewalks on only one side of the internal streets. Also in 2002, a permit was issued to expand to 197-RV spaces.
- In 2007, a Variance (BA3-07-01) requesting a waiver of screening requirements on the East and West sides of the park was denied. Another Variance (BA3-07-07) was approved in 2007 to allow reduced setbacks on corner lots which abut internal streets.
- In 2009, a Variance (BA3-09-01) was granted to allow reduced setbacks within individual spaces.
- Between 1985 and 2012, four additional Non-Residential Permits were issued on parcel 106-06-014C; to construct a 1,680-square foot clubhouse and activity room; for a 2,380-linear foot 6-foot high screening fence; to install a heater in the clubhouse; and to construct a 1,200-square foot storage building with a 350-square foot awning.
- During this time there were four additional Non-Residential Permits issued on parcel 106-06-014D; in 1988 for a 96-square foot, 12-foot high freestanding sign; for a 74-square foot 21-foot high freestanding sign; for electric to illuminate the sign; and for a temporary event (concert) on 10/14/2009. There were also 39 Residential Permits for sheds, decks, patio covers, and utilities issued for the two parcels, three of which were voided.
- In 2012, a Variance (BA3-12-11) was granted to waive the limit on the percentage of RV spaces in a manufactured home park. A non-residential permit to change the park from an RV park to a manufactured home park was also issued and completed.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to add an additional 52 RV spaces to an existing 176-space manufactured home park with 99 RV spaces and has requested a number of Variances. The proposed expansion has been in actual use in its current state since at least 2003.

IV. ANALYSIS OF IMPACTS

The project site is within an area designated by our Comprehensive Plan map as *Developing* and in a Growth Category B area. Growth Category B areas typically have adequate water, access, drainage, and sewage disposal capability to accommodate medium- to high-density development, as well as substantial potential for further development. Areas designated *Developing* are characterized by having scattered or mixed uses and will typically accommodate future growth as more populated areas reach build-out.



Above: View of the RV spaces

The proposed expansion and corresponding Variances legitimize an existing portion of the park that has been in use for at least 10 years without complaints or harm done by the existing conditions for which the Applicant is requesting Variances. Paved roads, curbs, and gutters exist in other sections of the park, but these sections are designated for manufactured home sites where such development is more appropriate and desirable for residents. The curb and gutter requirement would be an impediment to RV traffic in the proposed area of the park without a substantial design effort to mitigate the obstacles that the curbs would present. Sidewalks do not exist in the current areas of the park, so this request is not out of character.

Staff takes no issues with the landscaping, screening, and setback requests as the parcel does contain mature native vegetation and there have been no concerns from neighbors regarding the lack of screening or full landscaping. The site coverage request is primarily preemptive based on the difficulty of figuring the site coverage of this site. As gravel surfaces are not impervious, they are not counted towards site coverage. Staff feels that the existing site meets the intent of the requirements.

The final request is related to the setbacks in relation to the parcels to the southwest of the park. The proposed section of the park does not meet the minimum 40-foot setback from a use in General Business zoning to a parcel zoned Rural. The area on the adjoining Rural zoned parcel is undeveloped, with the nearest structure approximately 500-feet from the property line. The structures in question are approximately 100-feet from spaces in other portions of the park, so Staff concurs that granting relief from the setback requirements does not adversely affect the adjoining parcels.



Above: Example of existing park areas.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on August 21, 2013 and published a legal notice in the *Bisbee Observer* on August 22, 2013. To date, the Department has received one response to these Variance requests. The neighbor directly to the west expressed concern regarding water use and the impact of the expanded septic system. These issues are not germane to the Variances, and do not, in fact, represent changes from the actual current operation of the park.

VI. Summary and Conclusion

Factors in Favor of Approving the Variances

1. Approving the Variances would not substantially impact neighboring properties;
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more “business and customer friendly.” Allowing the Variances would reinforce this effort;
3. The project site is within an area designated as Developing in the Comprehensive Plan, where growth of this type is expected and may be accommodated; and
4. The site has been in use in the current condition without issue for over 10 years.



Above: Looking South from proposed area.

Factor Against Approving the Variances

1. Staff received one letter of opposition from a neighboring property owner.

VII. RECOMMENDATIONS

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variances as requested.

Sample Motion: Mr. Chair, I move to approve Docket BA3-13-04, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

Variance Application

Location Map

Site Plan

Public Comments



BA3-13-04

COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3

to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 106-06-023B 106-06-014C 106-06-014D
2. Address of parcel: 2207 N. YUCCA DR
HUACHUCA CITY, AZ 85616
3. Area of Parcel (to nearest tenth of an acre): 3.1
4. Zoning District designation of Parcel: 023B + 014D = UB / 014C = MH-36
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.

52 SPACE RECREATIONAL VEHICLE PARK

NO EXISTING STRUCTURES OR BUILDINGS

6. Describe all proposed uses or structures, which are to be placed on the property.

OVER NIGHT CAMPING in RVs

7. State the specific nature of the variance or variances sought.
1203.02.B
Setbacks - 1812.02 - abutting zoning is RV-4 to the South of 023B;
1812.05 - Site Coverage; 1812.10 curbs, gutters, + sidewalks;
1812.06 - Screening; 1812.12 landscaping (only showing
mature veg. - not a true landscape plan); 1812.15 - # of
RV spaces in MHP; 1804.07.C.1 - gravel surface instead of DBST.

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

TO PRESERVE THE EXISTING CHARACTER OF THE PARK
AND PREVIOUSLY APPROVED VARIANCES.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

THE VARIANCE IS ONLY ON PRIVATE LAND. THESE
SPACES WERE ADDED MANY YEARS AGO AND WILL
BE MERGED WITH EXISTING MOBILE HOME PARK.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

JAMES ADAMS

1009 LEROY ST.

SAN DIEGO, CALIF.

92106

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.



SIGNATURE OF PETITIONER

ADDRESS

DATE

GARY L. MILLER 3726 NEREIS DR. 7-22-13
LA MESA, CALIF. 91941

APPLICANT'S PHONE NUMBER 619-701-2905

APPLICANT'S EMAIL ADDRESS WWW COCHISE 16 @ AOL.COM

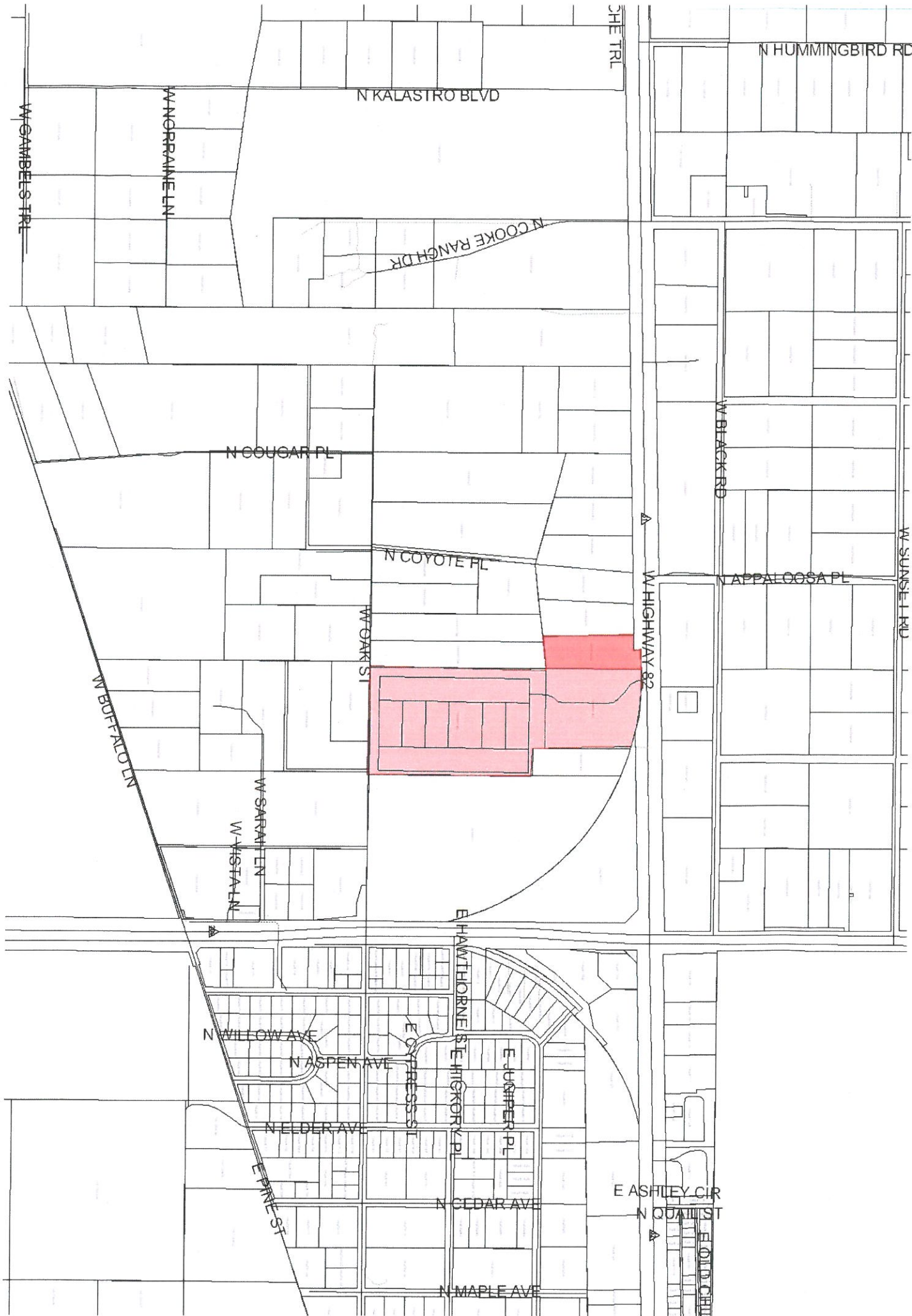
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

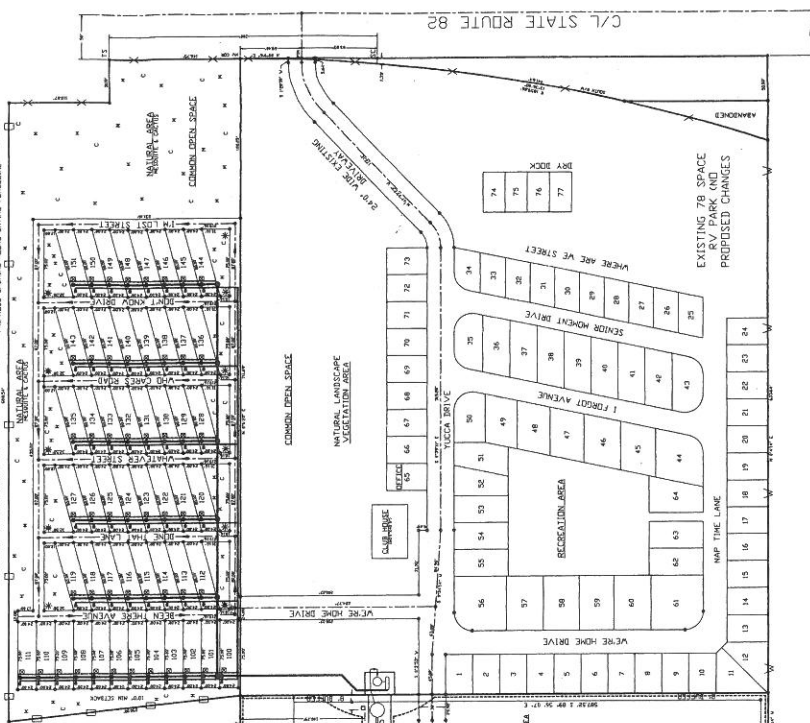
2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

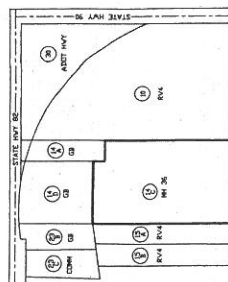
These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.





LEGAL DESCRIPTION	PARCEL #	AREA	PERCENTAGE	DATE
PARCEL #106-06-023B				
PARCEL #106-06-014C				
PARCEL #106-06-014D				



KEY MAP

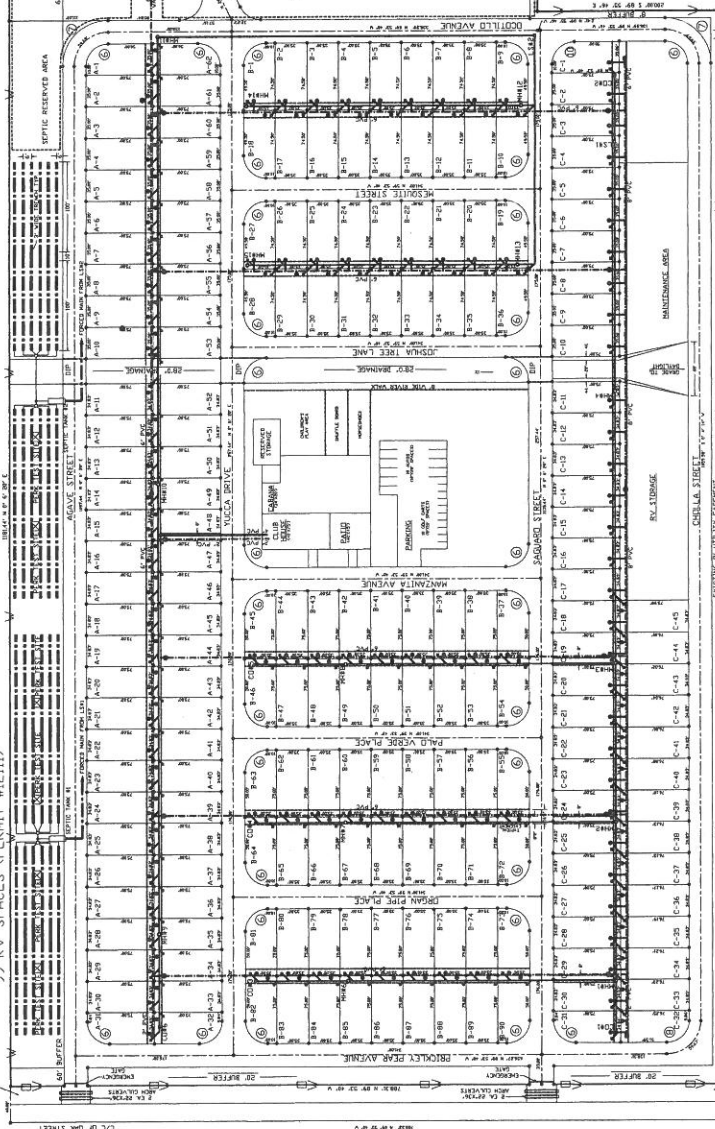
W/ 6'-0" TALL WOOD FENCE
X 3'-0" TALL SPLIT RAIL FENCE (NO SCREENING PROPOSED)

☐ PRIMROSE VEGETATION
DO NOT ENTER STREET SIGN
* ENTER ONLY STREET SIGN
the washes with: 300'

RV LOT DETAIL
N.T.C.

MOBILE HOME LOT DETAIL

EXISTING 176 SPACE MH PARK W/
99 RV SPACES (PERMIT #12111)



LEGEND

—————	PROPERTY LINE
—————	LOT LINE/ROAD
—————	LOT EASEMENT
—————	ROAD CENTERLINE
—————	FLOOD ZONE
—————	MANHOLE
—————	CLEAN OUT
—————	WATER LINE
—————	VALVE
—————	BLOW OFF
—————	SEPTIC RESERVED
—————	LIFT STATION
—————	ONE WAY STREET

QUAIL RIDGE MOBILE HOME PARK

WHETSTONE, ARIZONA

SHEET 1 OF 1

NOTE: ALL SITE COVERAGE CALCULATIONS PER 1812.05
36 ACRES TOTAL PARK SIZE
OPEN SPACE AVERAGE IS 28%

SCALE: 1"=50'0"

24 12 ADOT MONUMENT SECTION
19 18 CORNER STATE HWY 99

COCHISE COUNTY
AUG 26 2013
PLANNING

Variances: Docket BA3-13-04 (Quail Ridge)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

GARY MILLER (QUAIL RIDGE) HAS BEEN A GOOD NEIGHBOR. I BELIEVE GARY IS A CALIFORNIA RESIDENT AND QUAIL RIDGE IS A FOR PROFIT BUSINESS TO GARY SO HIS REQUEST TO SUBSTANTIALLY INCREASE THE POPULATION DENSITY IS A LOGICAL REQUEST. HOWEVER THE INCREASED WATER USAGE AND THE INCREASED SEPTIC SYSTEM AND THE RESULTANT IMPACT TO THE ENVIRONMENT OF COCHISE COUNTY IS A MAJOR CONCERN OF OURS.

(Attach additional sheets, if necessary)

PRINT NAME(S):

TERRILL W & CATHY J. WOODS

SIGNATURE(S):

Terrill W. Woods
Cathy J. Woods

YOUR TAX PARCEL NUMBER: 106-06-23C (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 3 on September 10, 2013. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Friday, August 30, 2013.

RETURN TO: Peter Gardner – Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603